

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert MARTUZA *et al.*
Title: REPLICATION-COMPETENT HERPES SIMPLEX VIRUS
MEDIATES DESTRUCTION OF NEOPLASTIC CELLS
Appl. No.: 10/788,410
Filing Date: 3/1/2004
Examiner: Wu Cheng Winston Shen
Art Unit: 1632
Confirmation Number: 4953

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioners, Georgetown University, having its principal place of business at 37th & O Streets, NW, Washington, D.C. 20057, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/788,410, filed March 1, 2004, which is a divisional of U.S. Patent Application Serial No. 09/625,509 (now Patent No. 6,699,468), filed July 25, 2000, which is a divisional of U.S. Patent Application Serial No. 09/004,511 (now Patent No. 6,139,934), filed on January 8, 1998, which is a continuation of U.S. Patent Application No. 08/478,800 (now abandoned), filed June 7, 1995, which is a continuation of U.S. Patent Application Serial No. 08/264,581 (now Patent No. 5,585,096), filed June 23, 1994, by virtue of an Assignment filed and recorded on May 1, 1996, on Reel/Frame 7921/0475, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioners represent that they are the owners of U.S. Patent

Application Serial No. 10/748,233, filed December 31, 2003, which is a divisional of U.S. Patent Application Serial No. 09/625,509 (now Patent No. 6,699,468), filed July 25, 2000, which is a divisional of U.S. Patent Application Serial No. 09/004,511 (now Patent No. 6,139,834), filed January 8, 1998, which is a continuation of U.S. Patent Application Serial No. 08/478,800 (now abandoned), filed June 7, 1995, which is a continuation of U.S. Patent Application Serial No. 08/264,581 (now Patent No. 5,585,096), filed on June 23, 1994, by virtue of an Assignment filed and recorded on May 1, 1996, on Reel/Frame 7921/0475, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A.

Your Petitioners, Georgetown University, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application No. 10/788,410 which would extend beyond the full statutory term, as presently shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application No. 10/748,233, and hereby agree that any patent so granted on U.S. Patent Application No. 10/788,410 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Application No. 10/748,233 shall be the same as the legal title to any patent granted on U.S. Patent Application No. 10/788,410, this agreement to run with any patent granted on U.S. Patent Application No. 10/788,410 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application No. 10/788,410, prior to the full statutory term of any patent granted on U.S. Patent Application No. 10/748,233 as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application No. 10/748,233 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application No.

10/748,233 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application No. 10/788,410 that would extend beyond the present termination of any patent granted on U.S. Patent Application No. 10/748,233, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioners' right to extend the term of a patent granted on U.S. Patent Application No. 10/788,410 to the extent provided by law.

The undersigned, being the Attorney of Record for U.S. Patent Application No. 10/788,410, and duly authorized to act on behalf of Petitioners, certifies that he has reviewed the Assignments attached as APPENDIX A, and to the best of his knowledge and belief, legal title to U.S. Patent Application No. 10/788,410 and any patent granted on U.S. Patent Application No. 10/748,233 rests with Petitioner, Georgetown University. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 8 January 2006

By S. A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768